



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,453	11/28/2003	Katsumi Sakamaki	117880	8274

25944 7590 01/24/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
----------	--------------

2629

MAIL DATE	DELIVERY MODE
-----------	---------------

01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,453

Applicant(s)

SAKAMAKI ET AL.

Examiner

Jennifer T. Nguyen

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed 10/22/07.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Badarneh (Pub. No.: US 20040233159).

Regarding claim 1, Badarneh teaches a user interface device (fig. 42), comprising:

a display screen (782) for displaying an [0125];

display control means (776) for controlling so as to display an image on the display screen (782) [0125];

an operation member (770-770'') for being operated by a user [0125]; and

operation member drive control means (502 and 504, figs. 27a and 27b) for driving the operation member (i.e., 501, fig. 27a) at least in a one-dimensional direction [0107],

wherein the operation member is mounted within, in the vicinity of, or partly overlapping a display region of the display screen; wherein the operation member drive control means drives the operation member according to an operation pattern which corresponds to the image displayed on the display screen [0004-0005, 0012, and 0014].

Regarding claim 3, Badarneh teaches the operation member drive control means conveys a variety of reactive forces to the user operating the operation member, depending on the image displayed on the display screen [0107].

Regarding claims 4 and 17, Badarneh teaches position detection means (505) for detecting a position of the operation member within the display screen, wherein the operation member drive control changes an operation pattern for the operation member (501) according to the position of the operation member, which is detected by the position detection means [0107].

Regarding claim 5, Badarneh teaches the display control means (776) changes an image to be displayed on the display screen according to the position of the operation member relative to the image displayed on the display [0125].

Regarding claim 6, Badarneh teaches the display control means (776) switches images to be displayed on the display screen in response to an input confirmation operation performed by the user following the image displayed on the display screen [0107 and 0125].

Regarding claim 7, Badarneh teaches the operation member has an input confirmation mechanism (i.e., central depression of the operation member).

Regarding claims 8 and 9, Badarneh teaches the display control means controls so as to display a selection item selected by the user using the operation member from among a plurality of selection items displayed on the display screen, in a manner different from a manner of displaying other selection items [0125].

Regarding claims 12 and 16, Badarneh teaches the display screen additionally functions as the operation member [0002].

Art Unit: 2629

Regarding claim 13, Badarneh teaches the operation member drive control means drives the operation member with at least two degrees of freedom [0125].

Regarding claim 14, Badarneh teaches the operation member drive control means drives the operation member with freedom along a plane in a two-dimensional direction which is substantially parallel to the display screen serving as a reference plane [0125].

Regarding claim 15, Badarneh teaches the operation member drive control means drives the operation member with freedom for rotation around an axis in a first direction substantially parallel to the display screen serving as a reference plane,

rotation around an axis in a second direction substantially parallel to the reference plane and vertical to the first direction

rotation around an axis in a third direction substantially vertical to the reference plane, or rotation that is a combination of at least two types of rotation described above (figs. 37a-37c) [0119].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Badarneh (Pub. No.: US 20040233159) in view of Bergman et al. (Patent No. US 5,859,631).

Regarding claims 10 and 11, Badarneh differs from claims 10 and 11 in that he does not specifically teach “the operation member is provided ... the display”.

Bergman teaches an operation member (8, fig. 1) is provided within the display screen (2) and connected through an opening (14) formed on the display screen to the operation member drive control means provided below the display screen (col. 1, lines 42-54 and col. 3, lines 16-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the operation member is provided within the display screen as taught by Bergman in the system of Badarneh in order to save space for the device.

Response to Arguments

6. Applicants’ arguments filed 10/22/2007, have been fully considered but they are not persuasive because as follows:

In response to Applicants’ argument stated “Nowhere, however, does Badarneh disclose operation member drive control means driving the operation pattern which corresponds to the image displayed on the display screen”. Examiner respectfully disagrees. Badarneh teaches operation member drive control means driving the operation pattern which corresponds to the image displayed on the display screen; wherein the screen image can vary according to the type of the apparatus and function, the operation member drive control means control the cursor by pressing the switch the user will able to activate functions or open sub-menus on the display screen (please see abstract, [0012, 0126]). The ground of the rejection is therefore maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen

Application/Control Number: 10/722,453

Page 7

Art Unit: 2629

1/17/08

A handwritten signature in black ink, consisting of several stylized, overlapping loops and a long horizontal stroke at the bottom.